



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/827,020	04/19/2004	Christopher Louis Capps	SVL920030108US1	2516
34663 7590 04/20/2007 MICHAEL J. BUCHENHORNER 8540 S.W. 83 STREET MIAMI, FL 33143			EXAMINER GORTAYO, DANGELINO N	
			ART UNIT 2168	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE 3 MONTHS			MAIL DATE 04/20/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

ED

Office Action Summary

Application No.

10/827,020

Applicant(s)

CAPPS ET AL.

Examiner

Dangelino N. Gortayo

Art Unit

2168

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f):
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. In the amendment filed on 1/30/2007, claims 1, 18, and 23 have been amended. The currently pending claims considered below are Claims 1-28.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 23-24 and 26-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Keller et al. (US Publication 2003/0050849 A1)

As per claim 23, Keller teaches "In a network comprising a first node where raw business data is collected, wherein the first node comprises information relating to transactions conducted at the node, and a second node connected to the first node, a method for converting the raw business data to transformed data," (see Abstract, block 0013, 0014, 0015, 0030, wherein manufacturers and retails collect business data and has the ability to send business data to a connected transaction server to be converted to XML documents)

Art Unit: 2168

“the method comprising: monitoring the availability of raw business data at the first node;” (Figure 8 reference 400 and block 0045, 0046, wherein a job scheduling tool monitors transactional data)

“determining whether to transform the raw business data to transformed data based on relevant second node conditions;” (block 0030, 0031, 0051, wherein data streams can be sent to a server, for transformation into a database based on the intake level in a transaction server database)

“and transforming the raw business data to transformed data at the second node when any of the relevant second node conditions is satisfied.” (block 0042, 0044, wherein data is transformed into XML documents and placed into the database).

As per claim 24, Keller teaches “the relevant second node conditions comprise any of availability of processing resources to process the raw business data at the second node and the relative cost of processing the raw business data at the second as opposed to the first node.” (block 0013)

As per claim 26, Keller teaches “the determining element comprises considering relevant network conditions and wherein relevant network conditions comprise the availability of bandwidth to transport the raw business data from the first node to the second node.” (blocks 0051, 0052)

As per claim 27, Keller teaches “the first node comprises a retail sales operation and the second node comprises an enterprise node coupled to the first node by a network.” (block 0012, 0016)

As per claim 28, Keller teaches "the transforming element comprises transforming the raw business data to transformed data at the first node when any of the relevant first node conditions is satisfied." (block 0042)

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-22, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keller et al. (US Publication 2003/0050849 A1) in view of Jani et al. (US Publication 2005/0049974 A1)

As per claim 1, Keller teaches "In a network comprising a first node where raw business data is collected, wherein the first node comprises information relating to transactions conducted at the first node, and a second node connected to the first node, a method for converting the raw business data to transformed data," (see Abstract, block 0013, 0014, 0015, 0030, wherein manufacturers and retailers collect business data and has the ability to send business data to a connected transaction server to be converted to XML documents)

"the method comprising: determining a period of time when the raw business data is to be processed for conversion to transformed data;" (Figure 8 reference 400

Art Unit: 2168

and block 0045, 0046, wherein a job scheduling tool determines when data is sent to a manufacturer database)

"determining at the first node whether to transform the raw data into transformed data in the first node based on relevant first node processing conditions," (block 0045 lines 7-15, wherein transformation job is initiated based on message received)

"converting the raw data to transformed data in the first node if any of the local processing conditions is satisfied;" (block 0042, wherein an envelope and XML document are combined in the retailer for a payload format to be sent to manufacturer database in a transaction server)

"and sending the raw business data to a second node for conversion to transformed data if none of the local processing conditions is satisfied." (block 0030, 0031, 0051, wherein data streams can be sent to a server, for transformation into a database based on the intake level in a transaction server database)

Keller does not teach "'wherein the local processing conditions comprise one of a need for the transformed data in the first node and an availability of processing resources for processing in the first node during the period of time". Jani teaches "wherein the local processing conditions comprise one of a need for the transformed data in the first node and a availability of processing resources for processing in the first node during the period of time;" (Figure 7A references 210, 212, 216, and block 0044, 0060, 0061, wherein it is determined if a worker thread is available, and if not, the data is placed in a queue to be sent to a database). It would have been obvious at the time of the invention for one of ordinary skill in the art to combine Keller's method of expressing

Art Unit: 2168

different business data in a common format with Jani's method of processing data using conditions in a business system. This gives the user the advantage of optimizing when transaction data is sent to a database based on conditions of a sender. The motivation for doing so is to utilize a business software system to use different formats without having to modify their code base (block 0006).

As per claim 2, Keller teaches "the period of time is predetermined interval."
(block 0013)

As per claim 3, Jani teaches "the period of time is based on an amount of the raw data." (block 0044)

As per claim 4, Keller teaches "the transformed data comprises a transformed format." (block 0031, wherein the data is transformed to a common format)

As per claim 5, Keller teaches "the transformed data format is XML." (block 0047)

As per claim 6, Keller teaches "the transformed data format is IXRetail." (block 0047, wherein the XML format is for transaction data)

As per claim 7, Keller teaches "the transformed data format comprises POSLog data." (block 0045, 0047, wherein data can be transformed into EDI format)

As per claim 8, Keller teaches "the raw data comprises sales-related data." (block 0013, 0016)

As per claim 9, Keller teaches "the method further comprises transforming the raw data into the transformed data format at the first node if either of the conditions is met." (block 0042)

As per claim 10, Keller teaches “the processing comprises parsing the raw data to extract data from each of a plurality of fields.” (Figures 26, 29, 31, block 0024, 0025)

As per claim 11, Keller teaches “sending the data to a second node for conversion to transformed data, if none of the optimal conditions are satisfied, further comprises converting the raw data to a transformed data format and entering the transformed data into a database.” (block 0044)

As per claim 12, Keller teaches “determining whether to process the raw business data is done at the first node.” (block 0046, wherein messages determine when to process data)

As per claim 13, Keller teaches “determining whether to process the raw business data is done at the second node.” (block 0051)

As per claim 14, Keller teaches “collecting raw business data at a first node comprises collecting raw business data at a store node.” (block 0016)

As per claim 15, Keller teaches “sending the raw business data to a second node for conversion to transformed data comprises sending the raw business data to an enterprise node for processing.” (block 0012)

As per claim 16, Keller teaches “the raw business data comprises TLog data and determining whether to process the raw data in the first node is done at the frequency of TLog transfers to the second node.” (block 0013, 0016)

As per claim 17, Keller teaches “local processing conditions include the available processing bandwidth of the network for transmitting the data to the second node.” (block 0051, 0052)

As per claim 18, Keller teaches “An information processing system” (see Abstract, block 0013, 0014, 0015, 0030, wherein manufacturers and retails collect business data and has the ability to send business data to a connected transaction server to be converted to XML documents)

“comprising: a processor for collecting raw transactional data,” (block 0041, wherein a retailer or manufacturer collects transaction data)

“a memory for storing the raw transactional data,” (block 0036, 0041, wherein a retailer and manufacturer databases store transaction data)

“and a communication subsystem for transmitting the raw data to a second node,” (block 0036, wherein data flows from retailers and manufacturers to transaction data store)

“wherein the processor comprises logic for determining a period of time when the raw data is to be processed for conversion to transformed data,” (block 0045, 0046, wherein transformation job is initiated based on message received)

Keller does not teach “and for determining whether to process the raw data in the first node based on first node processing conditions, wherein the first node processing conditions comprise one of a need for the transformed data in the first node and a demand for processing in the first node during the period of time.”

Jani teaches “and for determining whether to process the raw data in the first node based on first node processing conditions, wherein the first node processing conditions comprise one of a need for the transformed data in the first node and a

Art Unit: 2168

demand for processing in the first node during the period of time.” (Figure 7A references 210, 212, 216, and block 0044, 0060, 0061, wherein it is determined if a worker thread is available, and if not, the data is placed in a queue to be sent to a database). It would have been obvious at the time of the invention for one of ordinary skill in the art to combine Keller’s method of expressing different business data in a common format with Jani’s method of processing data using conditions in a business system. This gives the user the advantage of optimizing when transaction data is sent to a database based on conditions of a sender. The motivation for doing so is to utilize a business software system to use different formats without having to modify their code base (block 0006).

As per claim 19, Keller teaches “the logic comprises program code instructions for execution by the processor.” (block 0021)

As per claim 20, Keller teaches “the logic comprises an application-specific integrated circuit.” (block 0035)

As per claim 21, Keller teaches “the processor comprises a point of sale controller and the second node is an enterprise node that comprises information.” (block 0012, 0016)

As per claim 22, Keller teaches “collecting raw data at a first node in a network, wherein the first node comprises information relating to transactions conducted at the node;” (block 0016, wherein transaction data is collected on the retailer side)

“determining a period of time when the raw data is to be processed for conversion to transformed data;” (Figure 8 reference 400 and block 0045, 0046,

wherein a job scheduling tool determines when data is sent to a manufacturer database)

"determining whether to process the raw data in the first node based on local processing conditions," (block 0045 lines 7-15, wherein transformation job is initiated based on message received) "wherein the local processing conditions comprise one of a need for the transformed data in the first node and a demand for processing in the first node during the period of time;" (block 0021, 0022, wherein a retailer or manufacturer stores data in tables based on spotlights, specials, and user input)

"converting the raw data to transformed data in the first node if either of the conditions is met;" (block 0042, wherein an envelope and XML document are combined in the retailer for a payload format to be sent to manufacturer database)

"and sending the data to a second node for conversion to transformed data if none of the optimal conditions are satisfied." (block 0042, 0044, 0051, wherein data streams can be sent directly to a server, for transformation into an XML document in a database)

Keller does not teach "wherein the local processing conditions comprise one of a need for the transformed data in the first node and a demand for processing in the first node during the period of time;" Jani teaches "wherein the local processing conditions comprise one of a need for the transformed data in the first node and a demand for processing in the first node during the period of time;" (Figure 7A references 210, 212, 216, and block 0044, 0060, 0061, wherein it is determined if a worker thread is available, and if not, the data is placed in a queue to be sent to a database). It would

Art Unit: 2168

have been obvious at the time of the invention for one of ordinary skill in the art to combine Keller's method of expressing different business data in a common format with Jani's method of processing data using conditions in a business system. This gives the user the advantage of optimizing when transaction data is sent to a database based on conditions of a sender. The motivation for doing so is to utilize a business software system to use different formats without having to modify their code base (block 0006).

As per claim 25, Keller teaches "the determining element comprises considering relevant first node conditions" (block 0045 lines 7-15, wherein transformation job is initiated based on message received)

Keller does not teach "and wherein relevant first node conditions comprise the need for the transformed data at the first node and the availability of processing resources to process the raw business data at the first node."

Jani teaches "and wherein relevant first node conditions comprise the need for the transformed data at the first node and the availability of processing resources to process the raw business data at the first node." (Figure 7A references 210, 212, 216, and block 0044, 0060, 0061, wherein it is determined if a worker thread is available, and if not, the data is placed in a queue to be sent to a database). It would have been obvious at the time of the invention for one of ordinary skill in the art to combine Keller's method of expressing different business data in a common format with Jani's method of processing data using conditions in a business system. This gives the user the advantage of optimizing when transaction data is sent to a database based on

Art Unit: 2168

conditions of a sender. The motivation for doing so is to utilize a business software system to use different formats without having to modify their code base (block 0006).

Response to Arguments

6. Applicant's arguments, filed 1/30/2007, with respect to the 35 USC 102(b) rejection of claims 23-24 and 26-28 have been fully considered but they are not persuasive.

a. Applicant's argument is stated as Keller doesn't teach a second node connected to the first node within a network.

In regards to the argument, Examiner respectfully disagrees. As shown in figures 1 and 2, there are retailers and manufacturers which collect data, and are connected to a transaction server that contains a database layer to store data (blocks 0014, 0030). The argument that Keller is not concerned with transferring data from one node to another node is incorrect, as block 0013 teaches that a manufacturer can send transaction data to a transaction server. Therefore, Keller teaches a second node connected to the first node within a network.

b. Applicant's argument is stated as Keller does not teach monitoring the availability of raw business data at the first node.

In regards to the argument, examiner respectfully disagrees. The main argument by the applicant is stated that the claimed argument teaches monitoring the first node to check if a buffer is full, citing paragraph 15, and that Keller does not monitor a buffer. This argument is moot, since it recites features

(a buffer) which do not actually appear in the claims. The claim limitation merely states monitoring the availability of raw business data at the first node. A scheduling tool of Keller, as disclosed in blocks 0045 and 0046, teaches tracking transaction data in manufacturers and retailers, to be sent to a transaction server database. Therefore, Keller teaches monitoring the availability of raw business data at the first node.

c. Applicant's argument is stated as Keller does not teach determining whether to transform the raw business data to transformed data based on relevant second node conditions.

In regards to the argument, Examiner respectfully disagrees. In block 0030 and 0031, Keller teaches that a transaction server, which receives transaction data from various manufacturers and retailers, contains an intake level that communicates with manufacturers and retailers to determine whether to request and accept data to be placed in the database. Therefore, Keller teaches determining whether to transform the raw business data to transformed data based on relevant second node conditions.

d. Applicant's argument is stated as Keller does not teach the step of transforming the raw business data to transformed data at the second node when any of the relevant second node conditions is satisfied.

In regards to the argument, Examiner respectfully disagrees. In block 0042 of Keller, it is shown how an XML document composed of transaction data is formed and stored in a manufacturers database. This database communicated

Art Unit: 2168

with retailers and other manufacturers to store data in XML document form derived from business data. Therefore, Keller teaches transforming the raw business data to transformed data at the second node when any of the relevant second node conditions is satisfied.

7. Applicant's arguments, filed 1/30/2007, with respect to the 35 USC 103(a) rejection of claims 1-22, 25 have been fully considered but they are not persuasive.

e. Applicant is directed to the above arguments for claim 23 to teach the step of "determining a period of time when the raw business data is to be processed for conversion to transformed data", the step of "determining whether to transform the data", and the steps of "converting" and "sending the raw business data."

f. Applicant's argument is stated that Jani cannot be used as a secondary reference because the publication data of Jani is almost a year after the filing date of the claimed invention.

In regard to the argument, Examiner respectfully disagrees. For purposes of examination, the effective reference data used in a 35 U.S.C. 103(a) is the earliest effective filing data. In Jani's case, the earliest effective filing date stems from provisional application 60/498,878, filed August 29, 2003. Therefore, Jani is a valid secondary reference when used in a 35 U.S.C. 103 rejection.

g. Applicant's argument is stated as there is no motivation to combine the prior art of Keller and Jani.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the Jani reference is concerned with utilizing a business software system to use different formats without having to modify their code base (block 0005, 0006). By combining the transaction system of Keller that takes business data from various sources and places it in a transaction server database with the ability of Jani to detect conditions in computer resources for a time to send data to a server, one is able to process data from different sources in different forms based on either database conditions or conditions in retailers or manufacturers. Jani, in block 0012, states that the communication methods are monitored to deliver data to the correct place. Therefore, there exists motivation in Jani to combine the prior art of Keller and Jani.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2168

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dangelino N. Gortayo whose telephone number is (571)272-7204. The examiner can normally be reached on M-F 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim T. Vo can be reached on (571)272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2168

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Dangelino N. Gortayo
Examiner

Tim T. Vo
SPE



TIM VO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100